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Attorneys for Defendants  
CITY OF PALO ALTO, DENNIS  
BURNS, DAN RYAN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY B. PIERCE,  
Plaintiff,

vs.

CITY OF PALO ALTO, a government  
entity; CHIEF DENNIS BURNS, an  
individual; AGENT DAN RYAN, an  
individual; and DOES 1-30 inclusive,  
Defendants.

Case No. 4:15-cv-06117-DMR

**DEFENDANTS' SEPARATE CASE  
MANAGEMENT STATEMENT**

Conference Date: March 4, 2020

Time: 1:30 p.m.

Place: Courtroom 4  
1301 Clay St.  
Oakland, CA

Judge: Hon. Donna M. Ryu

Since the last case management conference (July 31, 2019), the following events have occurred:

- (1) Defendants completed the deposition of Mr. Pierce on January 9, 2020.
- (2) All parties (including the individual defendants, who are retired City employees) attended a settlement conference on January 29, 2020, with Mag. Judge Thomas S. Hixson. The case did not settle.
- (3) Defendants' counsel and Mr. Pierce conferred on February 21, 2020 by text message regarding the upcoming case management conference.

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The principal upcoming case management deadlines are:

- **July 14, 2020:** Close of non-expert discovery and disclosure of expert witnesses and reports.
- **August 6, 2020:** Last Day to file Dispositive Motion (such as motion for summary judgment), for hearing on September 10, 2020.
- **December 7, 2020:** Five-day trial begins.

Mr. Pierce said at his deposition that he intends to amend the Complaint to add the Santa Clara County District Attorney as a defendant. Defendants' counsel would not be representing this proposed defendant. Defendants believe that such an amendment would be futile due to prosecutorial immunity, among other reasons.

On February 21, 2020, Defendants' counsel told Mr. Pierce that defendants will be filing a motion for summary judgment as to all remaining claims and defendants. Defendants' counsel suggested he search for the term "summary judgment" on the Internet and that we could discuss the significance of the motion at the case management conference.

Defendants do not anticipate taking any more depositions and will serve limited written discovery on Mr. Pierce. Mr. Pierce has not conducted any discovery.

Based on the Court's prior order, the video of the arrest, Mr. Pierce's failure to submit a government claim under California law, and Mr. Pierce's deposition testimony, the City believes that this case is about a single alleged push.

Defendants believes that there is no need to change the case schedule.

Dated: March 3, 2020

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By: /s/ David B. Newdorf  
DAVID B. NEWDORF  
Attorney for Defendants CITY OF  
PALO ALTO, CHIEF DENNIS  
BURNS, AND DAN RYAN

**CERTIFICATE OF SERVICE**

I, David B. Newdorf, certify that on March 3, 2020, I served the foregoing Defendants' Separate Case Management Conference Statement on Timothy Pierce by email and by U.S. Mail as follows:

Timothy Pierce  
26363 Esperanza Dr.  
Los Altos Hills, CA 94022

Dated: March 3, 2020

/s/ David B. Newdorf  
David B. Newdorf

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